DECLARATION AND POWER OF ATTORNEY

Application for United States Patent

As a below named inventor, I hereby declare that:

| My residence, post offic | e address and citizenship are as s | tated below next to my name; | | |
|--|--|--|---------------------|--------|
| inventor (if plural names are listed invention entitled: | | one name is listed below) or an origination is claimed and for which a patent is F MAKING SAME" | | |
| the specification of which: (check one) | | | | |
| as Application | gust 19, 2003 Serial No. 10/643,093 ded on | ,, (if applicable) | | |
| I hereby state that I have claims, as amended by any amend | | ntents of the above identified specifica | tion, includi | ng the |
| I acknowledge the duty accordance with Title 37, Code of | | material to the examination of this appl | lication in | |
| | ed below and have also identified | nited States Code, § 119 of any foreign below any foreign application for pate ch priority is claimed: | | |
| Prior Foreign Application(s) | | | priority claimed | |
| 2002-240741 | Japan | 21/08/2002 | X | |
| (Number) | (Country) | (Day/Month/Year Filed) | yes | no |
| (Number) | (Country) | (Day/Month/Year Filed) | yes | no |
| (Number) | (Country) | (Day/Month/Year Filed) | yes | no |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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|---------------------------------------|---------------|--|
| (Application Serial No.) | (Filing Date) | (Status: patented, pending, abandoned) |

Power of Attorney: As a named inventor, I hereby appoint Sean M. McGinn, Reg. No. 34, 386, and Frederick W. Gibb, III, Reg. No. 37,629, as attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. All correspondence should be directed to McGinn & Gibb, PLLC, 8321 Old Courthouse Road, Suite 200, Vienna, Virginia 22182-3817. Telephone calls should be directed to McGinn & Gibb, PLLC at (703) 761-4100. Customer No. 21254.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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*Title 37, Code of Federal Regulations, § 1.56:

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith toward the Patent and Trademark Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) it establishes by itself or in combination with other information, a prima facie case of unpatentability; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability.